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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,747	04/25/2001	William R. Finch	2069-010500	2270

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EXAMINER

LIM, KRISNA

ART UNIT PAPER NUMBER

2153

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,747

Applicant(s)

FINCH, WILLIAM R.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-35 are still pending for examination. And, the previous rejection mailed on 12/16/04 has been withdrawn.

2. Claims 13-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 13 and 28, acronym "UTOPIA" is unclear. Applicant is suggested to spell out what this acronym means.

3. Moreover, it is requested that a future correspondence from applicants have line numbering for the recitation of claims, if possible, as this will aid in the future correspondence from the examiner.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 25-27 and 29 are rejected under 35 U.S.C. §102(b) as being anticipated by Skokan [U.S. Patent No. 5,412,783].

6. Skokan anticipated (e.g., see Figs. 1-2) the invention substantially as claimed. Taking claims 1 and 25 as exemplary claims, the reference disclosed a communication system comprising:

- a) a bus (e.g., see a bus 10 of Figs. 1 and 2) including at least one data line (11) and control lines (13) (e.g. see col. 3);
- b) a first device (e.g. one of items 3 to 9 of Fig. 1, col. 3) coupled to the bus;

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c) a second device (e.g. one of items 3 to 9 of Fig. 1, col. 3) coupled to the bus, the data line being coupled between the first and second device (e.g. see Figs. 1-2, col. 3); and

d) a handshaking unit (e.g., see col. 3 (line 35) to col. 5 (line 62) coupled to the control lines (13) of the bus (10) and being adapted to determine if the first and second devices are capable of completing a data transfer and enable the first and second devices to facilitate the data transfer.

7. As to claims 2-3 and 26-27, Skokan further anticipated the feature of data transfer based on the assertion of the first and second data available line (e.g. see data lines 11 are active and the Assertion of the ACK handshake signal, col. 3 (line 35) to col. 5 (line 62)).

8. As to claims 5 and 29, Skokan further anticipated the control line (13) include a clock line and the handshaking unit is adapted to provide a clock signal to the first and second devices on the clock line (e.g., see col. 3 (line 35) to col. 5 (line 62)).

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 6-24, 28 and 30-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Skokan [U.S. Patent No. 5,412,783] as applied to claims 1-3, 5, 25-27 and 29 above and in further view of Rumer [U.S. Patent No. 6,618,376].

11. As to claims 4 and 28, Skodan did not explicitly mention that his first and second devices (e.g. any two of network devices 3-9 of Fig. 1) include UTOPIA interfaces.

Such feature of UTOPIA interfaces is clearly taught by Rumer (e.g. see UTOPIA 30a, 30b of devices 32a and 32b of Fig. 1).

12. As to claims 6-10 and 30-34, Skodan did not explicitly mention that his first and second devices (e.g. any two of network devices 3-9 of Fig. 1) comprises a first pair of devices and the communication system further comprises a plurality of pairs of devices. And each pair of the network devices are adapted to communicated data arranged in an ATM cell and data transfer. Moreover, Skodan did not explicitly mention about polling those devices. However Rumer clearly disclosed: a) pairing two devices is clearly taught by Rumer (e.g. see the pair of devices 32a and 32b of Fig. 1); b) ATM cells (e.g. see the abstract, col. (line 61) to col. 5 (line 14)); and c) polling the devices (e.g. see col. 5, lines 26-30).
13. As suggested by Skodan (e.g. see col. 2, lines 43-46), his system disclosed the use of entire link bandwidth across the interconnection medium (e.g. a communication interface such as a switch) in a very effective way and Rumer also disclosed a communication interface (e.g., ATM UTOPIA switch, the title, col. 2 (lines 47-67)) for establishing the communication across shared communication bus. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rumer's communication interface into Skodan's interconnection medium because by incorporating Rumer's teaching would enhance Skodan's interconnection medium to have additional desirable feature of establishing the communication across communication bus with the use of entire link bandwidth.
14. As to claims 11-12 and 35, such feature of an interface device (e.g., a modem) having a plurality of ports is a well known feature and it is easily available in the market.

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15. Claims 13-24 are similar in scope as of claims 1-11 and 25-35, and therefore claims 13-24 are rejected for the same reasons set forth above for claims 1-11 and 25-35.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

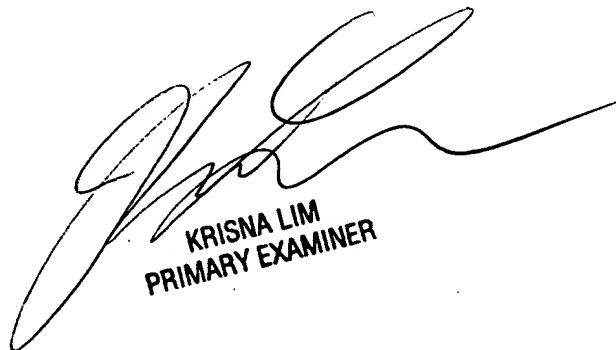
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

June 8, 2005



KRISNA LIM
PRIMARY EXAMINER